

Meeting Date: 10/28/08

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 8A



Date: October 22, 2008

To: City Manager for Council Action

From: Director of Public Works / City Engineer

Subject: Public Hearing: Agreement with Bernadette M. Delgado to construct and maintain a 3'-9" high iron fence and gate encroaching into the public right-of-way at 1375 Jefferson Street

EXECUTIVE SUMMARY:

On October 14, 2008, Council set October 28, 2008 as the hearing date for the requested encroachment for Bernadette M. Delgado to construct and maintain a 3'-9" high iron fence and gate into the public right-of-way. The property owner agreed to remove said private improvements at their sole cost and expense upon written demand from City. Notices have been mailed and posted around the neighborhood of the subject property and at this time no objections have been received.

Staff has prepared an Agreement to allow the construction, maintenance, and encroachment of the fence and gate in the public right-of-way, and it has been approved for form by the City Attorney and executed by the property owner. A copy of the Agreement has been placed in Council offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the encroachment will allow the owner to construct and maintain said improvements within the public right-of-way while relieving the City of associated liability.

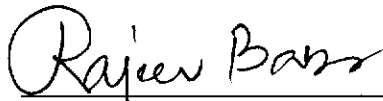
ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than staff time and expense.

RECOMMENDATION:

That the Council:

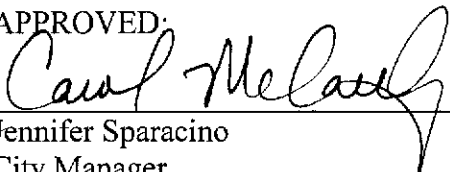
1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land with Bernadette M. Delgado to construct and maintain a 3'-9" high iron fence and gate encroaching into the public right-of-way at 1375 Jefferson Street (APN 269-03-049; S.C. 18,315); and
2. Authorize the recordation of the Agreement.



Rajeev Batra

Director of Public Works / City Engineer

APPROVED:



Jennifer Sparacino
City Manager

Documents Related to this Report:

- 1) Agreement

CITY OF SANTA CLARA
AGENDA MATERIAL ROUTE SHEET

Council Date: Oct. 28, 2008

SUBJECT: S.C. 18,315 – Agreement and Covenant Running with the Land
1375 Jefferson Street

CERTIFICATION

The proposed Agreement regarding the encroachment of an iron fence and gate into Jefferson Street has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 200__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City

City Charter § _____ (i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)

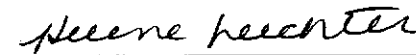
City Code § _____

1. As to City Functions, by



Department Head

2. As to Legality, by



City Attorney's Office / CAO Assignment No 08./235

3. As to Environmental
Impact Requirements, by



Director of Planning and Inspection

4. As to Substance, by



City Manager



Revision Date June 7, 2005